

APPEAL NO. 032901
FILED DECEMBER 11, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 8, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable injury extends to include carpal tunnel syndrome in the right hand, epicondylitis in the right hand, a ganglion cyst in the right hand, and cubital tunnel syndrome (CuTS). The appellant (carrier) appeals this determination. The claimant urges affirmance of the hearing officer's decision.

DECISION

Affirmed as reformed.

Extent of injury is a factual question for the hearing officer to resolve. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given to the evidence. This is equally true regarding the medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). Nothing in our review of the record indicates that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). However, because the evidence reflects the alleged conditions are not limited to the right hand, rather they are referred to simply as being "right," the decision is reformed to reflect that the compensable injury includes right carpal tunnel syndrome, right CuTS, right epicondylitis, and a right ganglion cyst.

The carrier complains that the hearing officer's decision "is not supported by any evidence that would even meet the requirements for admissibility in any court in the United States." The requirements for admissibility of evidence in an administrative hearing are obviously different than those in courts. We would also point out that the carrier did not object to any of the evidence submitted by the claimant at the hearing. The carrier also alleges that the hearing officer "ignored" Carrier's Exhibit No. 1, the report of Dr. P, which purports to show that the methods used to diagnose the conditions in question were not scientifically reliable. The hearing officer notes that all of the evidence submitted was considered and specifically identified and commented on Dr. P's report. As such, we cannot agree that the hearing officer ignored this evidence.

The decision and order of the hearing officer are affirmed as reformed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Chris Cowan
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret L. Turner
Appeals Judge